

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

GARY W. MOODY,

Plaintiff,

vs.

MICHAEL B. CLINE, in his official
capacity as the Commissioner of the
Indiana Department of Transportation,
et al.,

Defendants.

1:12-cv-907-TWP-DML

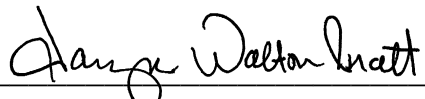
ENTRY

The plaintiff's amended emergency motion for appointment of pauper counsel [Dkt. 56] has been considered. Litigants requesting that counsel be recruited must show as a threshold matter that they made a reasonable attempt to secure private counsel. *Gil v. Reed*, 381 F.3d 649, 656 (7th Cir. 2004); *Zarnes v. Rhodes*, 64 F.3d 285, 288 (7th Cir. 1995). The court must deny "out of hand" a request for counsel made without a showing of such effort. *Farmer v. Haas*, 990 F.2d 319, 321 (7th Cir. 1993). The plaintiff's motion makes no reference to having made this effort or of being prevented from doing so.

The next inquiry in considering a motion for the appointment of counsel is to analyze the plaintiff's abilities as related to "the tasks that normally attend litigation: evidence gathering, preparing and responding to motions and other court filings, and trial." *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). The question is not whether an attorney would help the plaintiff's case, but whether, given the difficulty of the case, the plaintiff seems competent to litigate it himself. *Id.* at 653-655. The plaintiff has pursued this action with utmost diligence and based on his comprehensible filings, his use of the court's processes, his familiarity with both the factual circumstances surrounding his claims and with the legal issues associated with those claims, the plaintiff is competent to litigate on his own. Accordingly, the plaintiff's amended emergency motion for appointment of pauper counsel [Dkt. 56] is **denied**.

IT IS SO ORDERED.

Date: 12/18/2012



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

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All Electronically Registered Counsel